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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

STATEMENT BY THE PERMANENT SECRETARY FOR FOREIGN AFFAIRS OF DENMARK

The meeting was called to order at 10 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1998/10 and Add.1-2, E/CN.4/1998/21, E/CN.4/1998/22-E/CN.6/1998/11, E/CN.4/1998/23-27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29; E/CN.4/1998/NGO/64; A/52/473)

1. Mr. REHMAN (International Institute for Peace) drew attention to the denial by Pakistan of the right to development to the people of Gilgit and Baltistan. For 50 years, the inhabitants of those northern areas had remained completely impoverished while their colonial masters were enjoying trade relations with the world's most developed countries and receiving loans from the International Monetary Fund (IMF). The right to development was a luxury that only free people enjoyed and, if the people of Gilgit and Baltistan were freed from Pakistan, they would transform their land into a paradise.

2. Mr. PATANJALI (Indian Council of Education), said that the term "economic reform" had come to be synonymous with United States-style capitalism. The social costs of the existing international economic order could be observed not only in countries like Japan, South Korea and Thailand, where ancient civilizations were being sacrificed to the prevalent ideology with disastrous results, but also in the United States itself. The conditionalities proposed by the IMF for the various developing countries would remove most subsidies from the barest essentials of life. The deliberate attempt to create an IMF society was to be deplored, as was the absence of an international law placing a ceiling upon the profits of multinational corporations. The existing international economic order was heavily loaded against human rights because it was implemented by people who already enjoyed a reasonable standard of living and by their followers who wanted the same or better standards, while the rest of the population was being increasingly impoverished.

3. Mr. GOODMAN (Asian Cultural Forum on Development) said that his organization, which represented the Asia-Pacific Human Rights NGO Facilitating

Team, a coalition of over 200 non-governmental organizations (NGOs), wished to draw attention to the violation of economic, social and cultural rights in the Asia-Pacific region. The right to development was being denied to indigenous people in India, and more specifically in the region known as Jharkhand, whose people remained extremely poor although the area produced over 50 per cent of India's total mineral resources. The Jharkhandis wanted legal mechanisms to enforce their entitlement to the benefits from those resources and an equitable distribution of income.

4. In Bangladesh, the so-called Vested Property Act and other laws were being used to take over the lands of the indigenous peoples and to drive the minority Hindus out of the country so that the dispossessed land could be taken over by Muslims. The Japanese Government also practised blatant forms of discrimination in the matter of social, economic and cultural rights. Koreans, including those born and educated in Japan, had no right to hold public positions, which were strictly reserved to ethnic Japanese.

5. The Government of Thailand also violated the economic and social rights of minority groups; hill tribes such as the Akhas, Lahus, Hmongs and Karens were barred from the political process although their ancestors had been living in Thai territory for more than 200 years. Some 250,000 to 300,000 people belonging to those tribes were denied access to education and health care, could not own land, and were not protected by labour laws.

6. The Asia-Pacific NGOs appealed to Commission members to show their concern at those blatantly discriminatory practices and urged the Governments in question to comply with basic human rights standards.

7. Mrs. MAZA (Service for Peace and Justice in Latin America), speaking also on behalf of 48 Mexican NGOs, said that the situation with regard to economic, social and cultural rights in Mexico gave grounds for serious concern. More than half of the population lived in conditions of poverty and 22 million persons in conditions of extreme poverty. The minimum wage covered less than 40 per cent of an individual's basic food requirements.

8. Mexican workers had no possibility, in practice, of freely electing their trade union representatives, had no stability of employment and many of them received no social services. The situation of agricultural workers was steadily deteriorating. A million minors were employed on the land at low wages and with no social welfare entitlement. Only 3.35 per cent of the country's GDP was devoted to education, with the result that 59 per cent of the population over 15 years of age had not attended school of any kind and more than 10 per cent of them were illiterate.

9. The health situation was equally catastrophic. Some 75,000 persons a year were dying of curable diseases and 17 out of every 1,000 infants born in Mexico died of preventable diseases. Hospital wards were saturated, medicines and equipment were in short supply and most country dwellers had no access to adequate health services. The number of persons dying of starvation was on the increase, more than 100,000 deaths of children and babies in rural areas being due to that cause every year. Some 58 per cent of children under five living in country areas had physical and/or mental deficiencies caused by poor

nutrition, and 73.6 per cent of children in that age bracket living in indigenous areas showed some degree of malnutrition.

10. The living conditions of Mexico's indigenous population were steadily deteriorating, especially in the province of Chiapas, where over 10,000 people had been displaced as a result of the enhanced military presence and the rise of paramilitary groups. She appealed to the international community to promote specific reforms with a view to improving the quality of life of the most marginalized sections of society.

11. Mr. BALTI (Association Tunisienne pour l'Auto-développement et la Solidarité) said that his organization's activities were principally focused on Tunisia's more remote mountain and forest regions and consisted in promoting projects for integrated rural and artisanal development, often in partnership with other NGOs from the developed countries. The projects, which were developed with the active participation of the beneficiaries and in which women occupied an important place, received financial support from the National Solidarity Fund and the Tunisian Solidarity Bank, a recently created institution of whose governing board his organization was a member. He expressed support for the draft resolutions before the Commission under the two items under consideration and hoped that they would be adopted by consensus.

12. Mr. RASOOL (World Muslim Congress) said that the rights of the people of Indian-occupied Kashmir had been violated with impunity for the past 50 years. Normal economic, social and cultural life had been crippled, harsh collective punishments imposed, educational institutions closed down for long periods and holy shrines burnt down. The right to development of the people of Azad Kashmir, on the other side of the Line of Control, had also been disrupted. In particular, the main road link connecting the Neelum Valley with the rest of Azad Kashmir had been closed since 1994, and new developmental activities could not be undertaken because of the need to reconstruct damaged roads, schools, colleges and hospitals and to provide for refugees from Indian-occupied Kashmir. He appealed to the Commission to prevail upon the Indian Government to desist from destroying the land and people of Kashmir under its occupation.

13. Mr. BABA (Himalayan Research and Cultural Foundation) said that previous debates on the issue of human rights in Jammu and Kashmir had overlooked a vital aspect relevant to the realization of the Kashmiri people's right to development, namely, the destructive role played by Pakistan-backed mercenaries in the territory. Although he had originally been among the initiators of the movement against India, he was currently a member of the Legislative Council of the State of Kashmir, having come to realize that the Kashmiri people's disenchantment with India's political, social and economic policies was being exploited by Pakistan to serve its own strategic interests.

14. Mercenaries from Pakistan, Afghanistan and other countries were being used to maintain the turmoil in Kashmir because Pakistan realized that the Kashmiri people themselves wanted peace. As a result, what had once been a prosperous and happy region had suffered complete economic devastation. He

appealed to the international community to exert pressure on Pakistan to leave Kashmir alone and to allow the Kashmiris to realize their fundamental right to life and to development.

15. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said he noted with satisfaction that, in its resolution 1997/72, the Commission called upon the Intergovernmental Group of Experts to "continue to give due consideration to recommendations for the elimination of obstacles already identified to the realization of the right to development". His organization was eager to contribute towards the realization of the right to development and to see the provisions of that resolution fully implemented. It was forced to recognize, however, that its efforts to promote solidarity with the poorest layers of society were constantly coming up against the imperatives of an increasingly oppressive economic system.

16. Thus, in Asia, where a meeting of representatives of peasant movements from eight countries had recently been held in Korea at the initiative of his organization, the natural environment was being destroyed, traditional communal agriculture was being sacrificed to new agro-industrial methods, food security was threatened and peasants and indigenous people were gradually being driven off their land. The same was true in many countries in Africa and Latin America.

17. Multilateral organizations such as the World Trade Organization (WTO), the World Bank and the International Monetary Fund (IMF) had greatly facilitated the growing control of national agricultural policies by multinational corporations, which were destroying local productive capacities, breaking up rural societies and depriving families of their livelihood. A handful of companies would soon be in complete control of food production throughout the world.

18. Using genetic engineering techniques, the companies in question were already producing synthetic substitutes for natural products, such as cane sugar, an important source of income for the populations of the Central American and Caribbean countries, or vanilla, an essential agricultural product for the people of Madagascar, the Island of Réunion and the Comoros. An economic system which generated enormous profits for a minority without satisfying the majority's basic needs was unjust and should be condemned.

19. The right to food - which included the right to produce food - was a fundamental human right. An international code of conduct on the right to food would be a powerful legal instrument for assessing the consequences of measures taken under structural adjustment programmes or of the activities of multinational corporations and would help to define the obligations of States in that area.

20. Mr. GONZALES (International Indian Treaty Council) said that the International Covenants on Human Rights were repeatedly violated, particularly in respect of the right to development. The unilateral blockade on Cuba should be lifted in its entirety since it violated the Cuban people's right to development. In Nigeria, the Ogoni peoples were being destroyed by the

murderous regime maintained by the Shell Oil Company. In Burma, the Karen, Kareni, Shau and Mon peoples were suffering genocide, forced mass relocations and slavery, with the complicity of transnational corporations.

21. In Brazil, more than 10 per cent of the rainforest had been lost and it continued to be slashed and burned at the rate of 7,500 square miles a year. In January 1998, the Government had carried out a clear-cutting operation on Yanomami lands, leading to huge fires that were still out of control. Only recently had the Government sent firefighters to the area, having repeatedly refused help from the United Nations. In Suriname, the Government was granting concessions on millions of hectares of forests to Asian logging companies, threatening both the environment and the indigenous inhabitants.

22. In Ecuador, the last tracts of pristine rainforest in the State of Pastaza were set for full-scale oil production by the ARCO Corporation. The Confederation of Indigenous Nationalities of the Ecuadorean Amazon invited the Commission to pay it a visit and witness the destruction. ARCO had already reneged on its promises and started to build an oil pipeline. The Quichua inhabitants of the area had suffered from the operations of Occidental Oil for over 30 years: ruptured oil pipelines, open waste pits and water containing arsenic, cyanide, lead and mercury had caused them epidemics, long-term illnesses and birth defects. Such acts were gross violations of human rights and effective criminal legislation should be promulgated to combat and punish such transnational crimes.

23. Mr. VITTORI (Pax Christi International) said that a distinction needed to be made among the various factors that militated against the enjoyment of human rights. Nature was sometimes cruel but its impact could be lessened by international solidarity and well-known techniques. More dangerous was the emergence of a transnational superpower guided by the ultra-liberal concept of globalization based on deregulation. The consequences were disastrous, since such a superpower imposed its own laws on States, denaturing their functions and subjugating them, free from all democratic control. It was true that the superpower in question was based on the technological capacity, financial power and economic and trading structures of the richest countries, but it engendered marginalization and exclusion everywhere, a neo-colonialism with accomplices in the poor countries themselves and in their oligarchies.

24. It was essential that international monitoring bodies should be given a wider range of sources. Even in the best of democracies there was a palpable divide between the governors and the governed. In authoritarian regimes, that divide became a gulf and it was unrealistic for the treaty bodies to refuse to accept submissions until all domestic remedies had been exhausted. Reprisals against relatives were also possible even when submissions were made from outside a country. The draft optional protocol should therefore consider the possibility of submitting complaints on behalf of victims without the latter having to give their formal consent. A procedure along those lines existed within the International Labour Organization (ILO), though within strict limits.

25. The idea of appointing a special rapporteur on economic, social and cultural rights had been aired. Objections had been made: the rapporteur's mandate would be too wide and budgetary restraints too great for him to act

effectively. Those were not insurmountable obstacles, however. Such a special rapporteur could act where other mechanisms could not and the High Commissioner could send him at short notice on specific and well-focused missions.

26. Mr. REQUESENES (Asian Buddhist Conference for Peace) said that, in 1982, the Government of Mexico had established an economic model that had led to a decline in the living conditions of the majority of the population. As the Director of the National Indigenous Institute had noted, the richest 10 per cent of the population, which had previously controlled one third of the country's wealth, currently controlled 40 per cent. The poorest 10 per cent of the population currently controlled 1.6 per cent of the country's wealth, down from 1.7 per cent. Mexico had thus one of the worst distributions of wealth in Latin America.

27. The Government had expressly recognized that its development model had profit as its main objective, thus flying in the face of the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Right to Development and article 25 of the Mexican Constitution. The Government should undertake an in-depth inquiry on the impact of that economic model on human rights in Mexico and other underdeveloped countries and should initiate the necessary economic reforms.

28. Mr. de MEDINA-ROSALES MATRÁN (International League for the Rights and Liberation of Peoples) said that Cuba had always assisted the world's disadvantaged peoples with doctors and experts. It currently had 600 doctors working on a cooperation programme in South Africa, while many victims of the Chernobyl disaster were being treated for cancer in Cuba itself.

29. The questions thus arose why Cuban children were born underweight, why there were restrictions on the availability of drinking water, why Cuban doctors did not have access to half the medicines available on the world market and why other countries were denied the advantages of medical advances made in Cuba, such as the meningitis B vaccine. Those questions were asked in the report by the American Association for World Health, quoted in the report of the Special Rapporteur on the situation of human rights in Cuba (E/CN.4/1998/69, para. 69) and the answer was because of the United States embargo. Six General Assembly resolutions had called for an end to the unilateral United States embargo against Cuba, which was aimed at using medieval coercion to cow the population.

30. The embargo was wrong on legal as well as moral grounds. It ran counter to article 14 of the Charter of the United Nations and to article 31 of the Vienna Declaration. The United States had deceived the international community and was offering crumbs of charity in the name of humanitarian aid instead of respecting international law and lifting the embargo once and for all.

31. The people of Iraq were suffering in a similar way from hunger and disease, obliged to sell their oil at a loss to pay for food. The Cuban, Iraqi and other peoples had presumably committed a terrible crime, for which the weakest in their societies had to pay.

32. Mr. QADRI (World Society of Victimology) said that, in many parts of the world, particularly where conflicts had occurred or where populations were under colonial rule, the right to development was neither respected nor implemented. The classic example was that part of Jammu and Kashmir under the colonial occupation of India. Since 1947, India had not engaged in or encouraged any development projects in that occupied territory and any development had come through private sector investment. Moreover, the presence of over 600,000 Indian troops, which had turned the valley of Kashmir into a concentration camp, had totally destroyed the economic development and infrastructure of Jammu and Kashmir. The tourist trade, formerly very valuable, had collapsed, the handicraft industry, including carpets, woodcarving and papier mâché products, was losing US$ 50 million a year and the fruit industry had also sustained considerable losses.

33. The Indian authorities directed no funds to developmental programmes; education, health care, social services and roads had fallen into decay. The situation had led to massive unemployment, poverty, illiteracy and disease. India had thus failed to comply with its obligations regarding the right to development.

34. Ms. BERGAN (Women's International League for Peace and Freedom) said that some 80-200 million children worked, sometimes in the most extreme conditions, and the income of the poorest 20 per cent of the world's people had decreased to 1.4 per cent of the world's economic resources. Those figures were not gender-neutral. Women bore a disproportionate burden as wages fell, working longer hours and walking greater distances for fuel or drinkable water. She thus urged the Commission to incorporate into its work the recommendations of the recent expert group meeting, convened by the Division for the Advancement of Women, on promoting women's enjoyment of their economic and social rights (EGM/WESR/1997/Report).

35. The disparity between nations continued to grow. Some previously successful States were fighting 60-80 per cent unemployment and paying more than half of everything they earned towards the interest of their debts. Her organization supported the appointment of a special rapporteur to investigate ways of alleviating the effects of debt, especially in the poorest countries, with data reported in a disaggregated format.

36. International institutions with increasing power to affect lives but not accountable to human rights mechanisms needed attention from the international community. One such was the multilateral agreement on investment currently being formulated by the Organization for Economic Cooperation and Development (OECD) with little public transparency. That agreement would give transnational corporations the right to move commodities across borders, thus suppressing the power of States to limit foreign ownership and use of land, even to protect natural resources or human rights. It would also give such corporations the right to own and control the domestic economies within which they operated.

37. Each of the many drafts of the agreement ignored the core treaties, plans of action and covenants of international institutions; they even ignored the OECD codes of conduct. If that treaty became a reality, it would be the international linchpin of a totalitarian project for world rule. Governments

should be aware of its potential to debilitate the sovereign power of the State to protect human rights, which must be integrated not only into the United Nations, Governments and national institutions but into every significant entity in the world.

38. Ms. SPALDING (World Federation for Mental Health) said that debt-swap policies linked to environmental improvements had proved a successful way of dealing with foreign debt, even at the commercial level. She called on the Commission to encourage the use of other categories of applied human rights, such as the right to health, in developing debt-swap strategies. The same went for the right to food. Medical evidence clearly showed that inadequate or inappropriate food had a direct correlation with the biochemical health of the brain. The international community had thus a clear duty to do its utmost to eradicate sources of toxic impact on individuals. An economically utilitarian approach ultimately led to a blind destruction of life.

39. Successful strategies for the right to development should be encouraged and achievements acknowledged, such as the micro-credit programmes that had been so successful in Bangladesh and elsewhere. The capacity to manage the economic life of oneself and one's family was a key component of the mental health of the individual and thus of the community. Every project or business strategy should be designed to extend into the long term.

40. Mr. SFEIR-YOUNIS (World Bank) said that the Bank deliberated on the implications of the Commission's activities and on their relevance to its daily work. While its mandate did not include the formal advocacy of human rights, the Bank was fully aware of the contribution that it could make in that regard. Development and human rights were so intertwined that they could not be addressed as separate issues. Backwardness created the most fertile ground for the violation of even the most basic rights and dysfunctional economies weakened the deep roots of socio-cultural systems. The Bank was therefore working closely with developing countries. Its overriding objective was to alleviate and, if possible, eradicate poverty in its client countries, where over a billion people earned less than US$ 1 a day.

41. The Bank's Articles of Agreement provided for the development of its members' territories by facilitating the investment of capital for productive purposes; the promotion of private foreign investment; and the promotion of the growth of international trade and maintenance of equilibrium in the balance of payments. There was a specific stipulation that it should not interfere in the political affairs of any member, nor be influenced in its decisions by the political character of the member concerned. Only economic considerations were relevant.

42. The Bank had developed a number of instruments and programmes to address the alleviation of poverty. One was the Country Assistance Strategy (CAS). Such a strategy was being formulated for each client country to deal with levels of public expenditure in the social sector for such services as education, health, nutrition, water and sanitation. The process was increasingly participatory; a growing number of strategies contained explicit stipulations on poverty, women's issues and environmental concerns. Secondly, the Bank was involved in financing projects to increase the economic opportunities of the poor. It had a Programme of Targeted

Interventions (PTI), as well as adjustment operations that were focused on poverty reduction. In 1997, some US$ 4.1 billion - 29 per cent of the Bank's investment lending - had gone on projects specifically targeting the poor. Adjustment operations focusing on poverty had increased from 52 per cent in 1995 to 59 per cent in 1996 and 62 per cent in 1997.

43. Thirdly, since poverty assessments had been introduced in 1989, 94 assessments had been prepared covering approximately 90 per cent of the world's poor. The remaining first-round assessments should be completed by 2000.

44. Finally, all those interventions would not bear real fruit without investment in people and institutions. A healthy economy would require economic stability, significant growth rates and an institutional environment that was effective in channelling resources where they were most needed. Low growth rates would impede many countries in their quest to eradicate poverty or reach the most basic objectives of sustainable development.

45. Recent efforts to increase participation in the design and implementation of development policy and programmes had helped to improve efficiency in resource allocation, enhance local ownership of those programmes and increase their sustainability. In addressing governance issues, the Bank was assisting countries to establish objective rules for institutions to ensure efficient management of human and economic resources and to rethink the role of the State by matching that role to its capabilities.

46. Corruption crippled development and destroyed the very foundation of human rights by undermining the rule of law and weakening the institutional framework on which economic growth depended. There was an increased awareness that the harmful effects of corruption were especially severe for the poor. Another important area of social protection was child labour. To achieve any progress, efforts in that area must be inserted into national poverty alleviation strategies and an adequate level of social expenditure, particularly in education, must be maintained.

47. Among the landmarks for development implementation at the country level was the "strategic compact" or reform package: a vision of a Bank highly responsive to its clients, in synergy with the changing environment and fully committed to the alleviation of poverty and sustainable development. That compact recognized the need for effective partnership, including with the private sector, NGOs, foundations and the United Nations. One important area of partnership with NGOs was the Structural Adjustment Review Initiative, where the Bank and the global network of NGOs and other organizations of civil society had agreed to work together, in collaboration with participating Governments, to review the impact of structural adjustment lending and policy advice in selected countries. That partnership would give the confidence and transparency needed for a realistic assessment of the impacts of macroeconomic adjustment.

48. A second landmark was the Bank's commitment to human capital development, which was essential in the context of human rights. The Bank was the largest donor in education and health, and girls' education figured

prominently. As more and more girls had access to education, communities and societies would progressively change in the direction of improved equity and, therefore, enhanced human rights.

49. A final landmark was the Bank's emphasis on the social, cultural, ethical and spiritual dimensions of development. Development could not succeed without adequate attention to cultural sustainability.

50. In conclusion, he assured the Commission that the Bank was staffed by people who cared about human rights and were committed to assisting developing countries in the creation of an enabling environment so that their rights and freedoms could be fully realized. He appealed for support for its mandate and its enhanced identity. The Bank cared deeply about the poor, the homeless and the powerless in any society and about institutional transparency, organizational accountability and development equality. Within that context, it fully respected a country's right to self-determination.

51. One of his reasons for addressing the Commission was to suggest that the two bodies could have a common agenda that would be relevant to developing and developed countries alike. That common agenda would measure its success by attaining a global consensus on the need to eradicate poverty, improve food security, protect the environment and ensure economic stability and prosperity as necessary conditions for the respect for human rights.

52. Increased economic growth might improve an economy, but it would not necessarily improve a society, which would require major attention to the challenges of equitable distribution of that growth. The two bodies should share a common goal of bringing more and more people into the economic mainstream so as to promote equitable access to the benefits of development regardless of nationality, gender or race. From any perspective, that was a challenge that could not be ignored.

53. Mr. KUBHEKA (South Africa) said that his Government attached equal importance to civil and political rights and to economic, social and cultural rights. The two sets of rights were not only indivisible and equal, they were also mutually reinforcing. Without adequate attention to one set of rights, the other would be weakened and its enjoyment incomplete and illusory.

54. The human rights-based development mandate embodied in the resolutions on the right to development was as important as the follow-up mechanisms for its implementation. His delegation was encouraged by initial indications that the debate on the draft resolution would be characterized by a spirit of cooperation and global partnership. Effective implementation of the right to development needed a conducive environment at both the national and international levels. In the last analysis, the primary responsibility for its successful implementation belonged to States. It was in that context that his Government had approved its Reconstruction and Development Programme.

55. At the intergovernmental level, the Office of the High Commissioner for Human Rights remained one of the key centres where human rights-based development issues must be addressed and the requisite resources, and especially the human resources, for the implementation of the resolution on the right to development must be made available to it. After mature

consideration, his Government was able to accept the recommendation that the Declaration on the Right to Development should be made part of the International Bill of Rights.

56. The struggle against apartheid had not been inspired solely by idealism and political morality, a fundamental belief in the worth and dignity of all persons, it has also been a struggle against a system of economic exploitation of the black majority. As a democratic and non-racial country, South Africa was well aware that the African continent was weighed down by poverty and want, which led, in a vicious circle, to political instability. The adoption by consensus of an action-oriented resolution on the right to development would make a significant contribution towards the beginning of an African renaissance.

57. Mrs. HERRERA CASEIRO (Cuba) said that very little had been done to bring about effective implementation of the right to development. The gap between the rich countries of the North and the increasingly poor countries of the South continued to widen, and poverty was reaching frightening levels in the developing world, where foreign debt was one of the main obstacles to development. Without access to development, individual rights would remain a dream for the thousands of millions of people who were not even aware that they had rights and whose life was a daily battle against misery, hunger, illiteracy and disease.

58. In those circumstances, effective realization of the right to development became indispensable for the effective promotion and protection of all human rights and fundamental freedoms, to which end, genuine unconditional international cooperation and more decisive action were essential. The right to development should be construed as the eradication of poverty and meeting people's basic material needs in conditions of equality of opportunity.

59. In that context, the Declaration on the Right to Development was a valuable instrument whose provisions must be embodied in all cooperation programmes and taken into account in national development strategies and the norms and activities of all international organizations. The necessary priority must be given to the promotion and realization of the right to development in the United Nations reform process; it should go hand in hand with the establishment of mechanisms for adequate follow-up to implementation of its provisions. Inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be a significant contribution to the commemoration of the fiftieth anniversary of the Universal Declaration.

60. Mr. ESTRADA MEYER (Brazil) said that, while democratic institutions were essential for the protection of civil and political rights, the quality of democracy was improved if they were complemented by economic, social and cultural rights. Democracy was capable of bringing about the conditions under which all human rights could flourish. Economic and social rights had not received attention commensurate with their importance, and his delegation welcomed the idea of appointing a special rapporteur with a precise and focused mandate to deal with specific aspects of their realization.

61. The right to development must be one of the Commission's highest priorities. While Governments could not invoke lack of development as

justification for curtailing internationally recognized human rights, the international community was under an obligation to cooperate to overcome the obstacles that thwarted full enjoyment of the right to development. The objective of attaining development should be reflected in day-to-day activities throughout the United Nations system. Consensus and a spirit of compromise should prevail, because it was in the interest of all countries to create an international environment conducive to development and to break the vicious circle of poverty, exclusion and gross human rights violations.

62. His delegation had played an active part in the sessions of the Working Group on the Right to Development but realized that much remained to be done to bring together the different perceptions that existed: more attention should be paid to ensuring the necessary balance between national efforts and international cooperation. He supported the renewal of the Working Group's mandate, as well as the establishment of realistic mechanisms to provide the Commission and the Member States with means of implementing the Declaration on the Right to Development.

63. Mr. SEMASHKO (Ukraine) said that the implementation in all countries of the economic, social and cultural rights proclaimed in the Universal Declaration and the International Covenant on Economic, Social and Cultural Rights was far from ideal, and the Commission should pay equal attention to economic, social and cultural rights and to civil and political rights. The particular problems encountered by many developing and other countries in their efforts to realize those human rights, such as those related to foreign debt, unemployment, poverty, social disintegration and degradation of the environment, necessitated immediate solutions.

64. Such problems were just as serious in the countries with economies in transition, including his own. The international community was becoming increasingly aware of the problems of countries with economies in transition. A rapid integration of the States concerned into the world economy would be an important contribution to peace and stability and would increase the future sources of finance for programmes addressed to the developing countries.

65. It was thus to be hoped that United Nations programmes would more effectively target the countries with economies in transition and that United Nations assistance to those countries, and particularly Ukraine, would become more concrete and produce tangible results. While the implementation of the Universal Declaration and the International Covenant on Economic, Social and Cultural Rights through national policies was the responsibility of the Governments, the organizations of the United Nations systems should do what they could to assist the process.

66. Ukraine attached particular importance to the question of the right to development and considered that stable development was to be regarded as a guarantee of lasting peace and universal security. At the current stage of its transition from a centralized command economy to an open market economy, Ukraine was constrained to implement a social and economic policy in unfavourable circumstances, with a low standard of living, increasing unemployment and growing poverty among the vulnerable sections of the population.

67. It was thus a matter of priority for his Government to establish an effective system of social protection aimed primarily at the retired, the disabled and the young. The task facing the country was immense and, as the economic reform process gathered pace, Ukraine was anxious to increase its cooperation with the United Nations and its organs, being aware that the United Nations was an important instrument in encouraging international economic integration.

68. Mr. LESSIR (Tunisia) said that the profound global changes of recent years had not produced the expected results in many developing countries. The situation in those countries had not significantly improved and it was clear that the main obstacle to the promotion of human rights was not just armed conflict but also destitution, famine and disease. Statistics showed that official development assistance (ODA) was at its lowest level since 1973. More than half the world's countries were in a more difficult economic situation than 10 years previously. Nearly one fifth of the world's population did not have enough to eat, and the debt burden continued to weigh heavily on many countries.

69. Although the International Covenant on Economic, Social and Cultural rights had been ratified by almost all the Member States of the United Nations, little had been done to implement it. It was reassuring to note, however, that there was currently a desire to deal with some of the negative effects of the neglect of those rights because of the threat they posed to security and stability as a result of clandestine immigration, organized crime, violence and terrorism.

70. The approach adopted by his Government was based on the conviction that there could be no dignity for a people when some sections of its population suffered from exclusion and marginalization. It was thus necessary to ensure that the economic reform process did not neglect the human factor in development and resulted in a balanced and integrated society able to resist such negative factors as social exclusion.

71. Reforms in Tunisia had ensured effective equality of the sexes, protection of the rights of the child, human rights education at all levels, the establishment of socio-economic institutions, such as the National Solidarity Fund and the Tunisian Solidarity Bank, and national programmes to combat marginalization. The World Bank had decided to finance social projects contributing to the development of human resources, which was a basic element in economic and social development.

72. His delegation was in favour of the establishment of an intergovernmental working group to follow up the implementation of the Declaration on the Right to Development, and supported the efforts made in that regard by the High Commissioner for Human Rights and the Committee on Economic, Social and Cultural Rights.

73. Mr. Joong Keun KIM (Republic of Korea) said that economic, social and cultural rights and the right to development deserved their place on the global agenda because poverty and the lack of human development presented increasingly serious threats to peace and security at the national and international levels. Poverty was not just a phenomenon of the developing

countries: in the developed countries, too, there were those who were struggling to survive at the basic subsistence level and when, individuals' lives were put in jeopardy, social instability was seldom far away.

74. The report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) clearly indicated the need to form a collective front to counter the threats stemming from poverty and desperation and the global strategy it advocated deserved to be studied and implemented at the international and national levels.

75. At the international level, the organizations of the United Nations system should propose concrete measures to ensure the realization of economic, social and cultural rights and the right to development. The international community should seek constructive ways of alleviating the crushing burden of debt on the developing countries and of ensuring that the issue of women's rights figured prominently on the agenda.

76. At the national level, Governments bore the greatest responsibility for respecting, protecting and fulfilling economic, social and cultural rights and the right to development, and national measures should come before efforts at the regional, multilateral and global levels. Economic and social development was impossible to achieve without the firm commitment of the Government and the full dedication of the people. Governments should also recognize and enlarge the role of the organs of civil society, particularly the NGOs, encouraging them to cooperate in the debate on ways and means of achieving economic, social and political development.

77. The experience of his country in recent decades might provide some useful lessons. Its rapid economic development had caused an imbalance in various sectors of society. Low wages and a minimal welfare system were evidence of unbalanced growth in which there was economic improvement but no corresponding progress in other aspects of social and civil life. The single-minded quest for economic development had often been pursued at the expense of full democracy and, to some extent, at the expense of the basic human rights and fundamental freedoms of the Korean people.

78. That imbalance in social development might well have contributed to the recent financial crisis that had so disrupted the economic system. The lesson of Korea's experience was that all rights needed to be enhanced simultaneously and in a balanced way.

79. Despite the economic hardships, however, his Government would continue to develop its economic cooperation programmes addressed to other developing countries and would share with them its own development experience.

80. Mr. GARCIA GONZALEZ (El Salvador) said that the Peace Agreements of 1992 had given an impetus to the process of transforming his country's political system, which had made possible a modernization programme, consolidation of the rule of law, participatory democracy and fundamental freedoms. That political transformation had been needed to break the vicious cycle of destitution and to overcome marginalization, so that everyone in his country, with the support of the international community, would be able to enjoy sustainable human development.

81. A fundamental tool in the effort to achieve sustainable human development was the national women's policy for the period 1997-1999, which was his Government's response to the commitments it had assumed in the Beijing Platform of Action. The fact that the family played a fundamental role in combatting poverty, and was a prime factor in social cohesion had been recognized in the country's Constitution which stated that the family was the basis of society and would be protected by the State. That undertaking was reinforced in the programme for 1994-1999 promoted by the National Secretariat for the Family.

82. Mr. CHOWDHURY (Bangladesh) said that, in view of the fact that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing, the right to development provided the integral approach to human rights which the international community had long been seeking. Full realization of the right to development required the achievement of the correct balance of all human rights. The Vienna Declaration and Programme of Action recognized that the existence of widespread extreme poverty inhibited the full and effective enjoyment of human rights and emphasized that its eventual elimination must remain a high priority of the international community.

83. Given the linkage between democracy and development, it was important to act in concert in order to meet the development expectations engendered by the spread of democracy. Growing inequity within as well as between countries was a direct threat to the realization of the right to development and, indirectly, to democratic institutions. Developing countries continued to face difficulties in keeping up with the globalization process, and risked being permanently marginalized. If the current trends continued, economic disparities between the industrialized and developing nations would move from the inequitable to the inhuman, and it was important therefore that the international community should provide strong support for the developing countries in their efforts to solve their social and economic problems.

84. It was equally important that the human rights issue should not be used to constrain the legitimate development programmes of developing countries. The Vienna Declaration and Programme of Action emphasized the need for States to cooperate with one another in ensuring development and in eliminating the obstacles thereto; highlighted the importance of according high priority to the immediate alleviation and eventual elimination of extreme poverty and reaffirmed the need to support the least developed countries in their economic development.

85. Inclusion of the Declaration on the Right to Development in the International Bill of Human Rights should be the first step towards the inauguration of a more equitable, more humane and poverty-free world.

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

86. Mr. YASSIN (Sudan) said that progress in the field of human rights required specific steps to ensure full compliance with international instruments, a periodic review of working methods and procedures to achieve optimum use of available resources and the establishment of an atmosphere conducive to the promotion of human rights at the national level.

87. Despite scarce resources and a lack of technical expertise, Sudan had made every effort to fulfil its international human rights obligations by submitting periodic reports to the bodies monitoring the treaties to which it was a party, and had also implemented any recommendations and observations those bodies had made.

88. The international community must take care to ensure, however, that its consideration of reported violations of human rights was not manipulated for political purposes. Such issues must be addressed through cooperation and not through confrontation. While the legitimate concern of the international community with regard to violations of human rights must be recognized, it appeared that a selective application of subjective criteria had led to a double standard. Efforts to combat such selectivity required a thorough revision of mechanisms and procedures so that the limited resources available could be used in a rational way.

89. The attention enjoyed by civil and political rights at the expense of economic, social and cultural rights was another form of selectivity. He appealed to the international community to accord the right to development the attention it deserved and to developed countries to fulfil the commitments they had made in the Vienna Declaration.

90. Sudan's reservations about selectivity in the field of human rights had not hindered its genuine and unconditional cooperation with the international mechanisms of the Commission on Human Rights. It had received the Special Rapporteur on the situation of human rights in the Sudan many times, the latest occasion being in September 1997. The Government had carried out the numerous investigations the Special Rapporteur had requested and had submitted to him the results. Investigations into allegations of slavery, requested by the United Nations General Assembly, had been going on since 1996, as well as an investigation requested by the Working Group on Enforced or Involuntary Disappearances. Sudan had received the Special Rapporteur on religious intolerance and had extended an invitation to the Special Rapporteur on freedom of opinion and expression and the Chairman of the Working Group on Contemporary Forms of Slavery, among others.

91. At the national level, his Government had been following a strict timetable for the transition to a constitutional democracy that provided for the effective participation of all individuals. Its efforts had culminated in 1996 in the holding of presidential and parliamentary elections under international supervision. The international observers had testified that the elections were fair and free. In the final stage of the transition, a public referendum would be held for the adoption of the constitution before June 1998. The new constitution contained a comprehensive bill of rights including provisions to ensure all fundamental rights and freedoms, the independence of the judiciary, the rule of law and freedom of association.

92. However advanced cooperation with the international community might be and however complete the constitutional arrangements at the national level, human rights would not enjoy total protection until the internal armed conflict had been ended through peaceful means, with due regard for the demands of all the parties concerned. His Government had taken some successful initiatives in that regard, which had culminated in the conclusion

of the Sudan Peace Agreement of April 1997, which had been signed by the Government and eight of the nine rebel factions. It provided for the right to self-determination through a public referendum and affirmed citizenship as the basis for all rights and duties, without any consideration for religious or ethnic affiliation.

93. Within the next few weeks, the second round of talks would begin between the Government and the remaining rebel faction. To create a conducive atmosphere for the negotiations, the Government had repeated its call for a ceasefire, and hoped that the other party would accept it. Military threats on the eastern and southern borders had led to serious violations of human rights since the beginning of 1997, including summary executions, mass killings, rape and abduction, mass migration and displacement of the civilian population.

94. In conclusion, he reiterated the commitment of his Government to cooperate with all United Nations bodies, particularly the mechanisms of the Commission on Human Rights. Human rights NGOs also played an important role and, provided they were transparent and objective in their activities, would receive every support and cooperation from his Government. At the same time, it hoped that the positive efforts it had made to promote human rights and achieve peace and stability would be reflected in the deliberations and decisions of the Commission in resolutions that were based on the facts and not on political motivations.

STATEMENT BY THE PERMANENT SECRETARY FOR FOREIGN AFFAIRS OF DENMARK

95. Mr. PETERSEN (Denmark) said that the past 50 years had shown that the deliberations of the Commission made a difference in advancing the cause of human rights to the benefit of all the peoples of the world. In 1998, the Commission would add yet another landmark to international human rights standards by approving the draft declaration on human rights defenders, a worthy contribution to the observance of the fiftieth anniversary of the Universal Declaration of Human Rights. That forthcoming declaration was not, however, the end of a process; it was the beginning of a new era in which human rights defenders would finally have a substantive international instrument to support them in their activities.

96. At the World Conference on Human Rights, the participating States had reaffirmed that the Universal Declaration of Human Rights constituted a common standard of achievement for all peoples and nations and had proclaimed that the promotion and protection of human rights was a legitimate concern of the international community. A major achievement stemming from that Conference had been the establishment of the post of United Nations High Commissioner for Human Rights, which indicated a common resolve to emphasize the practical implementation of human rights. Within that framework, his Government believed that a constructive dialogue on human rights issues could not be characterized as confrontation, interference in internal matters, or an unfriendly act. Open discussion of such issues had become a part of daily life in the United Nations, and no State was immune to criticism.

97. Another major achievement of the Vienna Conference was the confirmation of the universality of human rights. Although it was true that the Vienna

Declaration referred to national and regional particularities, its foundation was universal. Another important element was the confirmation that all human rights were indivisible and that economic, social and cultural rights could not be achieved without respect for civil and political rights, and vice versa. The right to development encapsulated both categories of rights, but a coherent and meaningful strategy for its effective implementation was needed.

98. Poverty reduction was the prime goal of Danish development cooperation policy. One main element in its implementation was promoting popular participation in the development process by providing support for the rule of law and good administrative practices. In 1997, Denmark's ODA amounted to $1.8 billion, representing 1 per cent of its GNP, the highest percentage of any donor country and well above the United Nations target of 0.7 per cent. That reflected the Danish people's genuine sense of solidarity with the less privileged nations of the world. Although lack of resources could never excuse human rights violations, it was a fact that ensuring respect for human rights required substantial resources. His Government was prepared to continue to contribute generously to support such efforts and urged others to follow suit.

99. A number of specific issues had attracted the attention and concern of his Government. It would continue to take the lead in efforts to eradicate torture and to advance the rights of indigenous peoples, in particular by creating a permanent forum where all related issues could be considered in partnership between Governments and the representatives of those peoples. The excessive use of the death penalty witnessed in recent years was also a matter of concern, and his Government urged States to consider suspending executions with a view to the complete abolition of the death penalty.

100. Although it was well established that women's rights were human rights, there was still far to go to achieve full and equal participation of women, and there had even been setbacks in the status of women. In particular, violence against women must be addressed as a matter of the highest priority and the Special Rapporteur on the subject deserved full support.

101. In conclusion, he expressed Denmark's confidence in the future work of the Commission to promote and protect human rights and fundamental freedoms within different societies and cultures in a manner consistent with the letter and spirit of internationally accepted human rights norms.

The meeting rose at 1.05 p.m.